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Attorneys for Defendant Micron Electronics, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.
HINCKLEY, JACQUELINE T.
HLADUN, MARILYN J. CRAIG,
JEFFERY P. CLEVINGER, and
TIMOTHY C. KAUFMANN, individually
and on behalf of those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a
Minnesota corporation,

Defendant.

Case No. CIV 01-0244-S-BLW

**STATEMENT OF UNDISPUTED FACTS
IN SUPPORT OF MICRON
ELECTRONICS, INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT RE
STATUTES OF LIMITATION**

**STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MICRON ELECTRONICS,
INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF
LIMITATION**

Boise-170380.2 0026493-00046

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Pursuant to Local Civil Rule 7.1(b)(1), Defendant Micron Electronics, Inc. ("MEI"), by and through its counsel, hereby submits this Statement of Undisputed Facts in Support of MEI's Motion for Partial Summary Judgment Re Statutes of Limitation.

1. *Laura Anderson's* employment terminated on August 29, 2000. (Affidavit of Mark Roach in Support of Micron Electronics, Inc.'s Motion for Partial Summary Judgment Re Statutes of Limitation at Exhibit A ("Roach Ex. A")). Her consent to join the lawsuit was filed on July 13, 2001. (Docket No. 45.)

2. *Michael Angus's* employment terminated on April 6, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on June 22, 2001. (Docket No. 17.)

3. *Ryan Ball's* employment terminated on May 31, 2001. (Roach Ex. A; Affidavit of Kira Dale Pfisterer in Support of Micron Electronics, Inc.'s Motion for Partial Summary Judgment Re Statutes of Limitation ("Pfisterer Aff.") fn.1.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

4. *Destiny Baxter's* employment terminated on May 31, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

5. *Stefanie Bistline's* employment terminated on June 4, 1999. (Affidavit of Marilyn Jenkins in Support of Micron Electronics, Inc.'s Motion for Partial Summary Judgment Re Statutes of Limitation ("Jenkins Aff.") ¶ 6.) Her consent to join the lawsuit was filed on July 25, 2001. (Docket No. 47.)

6. *David L. Blair's* employment terminated on March 4, 1999. (Jenkins Aff. ¶ 6) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION - 1

7. *Heidi M. Brady's* employment terminated on January 15, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed January 31, 2003. (Docket No. 162.)

8. *Michael Browning's* employment terminated on February 16, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

9. *Carlisle C. Burnette's* employment terminated on February 10, 1999. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

10. *John Caprai's* employment terminated on April 13, 2001. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on July 6, 2001. (Docket No. 41.)

11. *Alan C. Claflin's* employment terminated on August 4, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

12. *Jeffery Clevenger's* employment terminated on March 23, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on July 9, 2001. (Docket No. 42.)

13. *Rory Kip DeRouen's* employment terminated on December 7, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on June 27, 2001. (Docket No. 19.)

14. *Hector Dimas's* employment terminated on May 31, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2001. (Docket No. 162.)

15. *Shelly Dyer's* employment terminated on August 16, 1999. (Jenkins Aff. ¶ 6.) Her consent to join the lawsuit was filed on June 26, 2001. (Docket No. 18.)

16. *Mathew Jarame Ell's* employment terminated on May 31, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on August 20, 2001. (Docket No. 50.)

17. *Heather Elliot's* employment terminated on February 28, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION - 2

18. *Kevin J. Engle's* employment terminated on April 6, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on August 14, 2003. (Docket No. 170.)

19. *Eric Fillmore's* employment terminated on November 2, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on June 21, 2001. (Docket No. 15.)

20. *Ken Ford's* employment terminated on May 31, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on August 23, 2001. (Docket No. 52.)

21. *Alan Garcia's* employment terminated on January 19, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on November 20, 2001. (Docket No. 64.)

22. *James Gibson's* employment terminated on May 1, 2000. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on August 14, 2003. (Docket No. 170.)

23. *Deborah E. Harris's* employment terminated on May 31, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

24. *Tim Hedding's* employment terminated on May 4, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on June 20, 2001. (Docket No. 13.)

25. *Kevin Henderson's* employment terminated on April 5, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

26. *Beverly Hilliard's* employment terminated on May 31, 2001. (Roach Ex. A; Pfisterer Aff. fn.1.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

27. *Michael Hinckley's* employment terminated on May 31, 2001. (Roach Ex. A; Pfisterer Aff. fn.1.) His consent to join the lawsuit was filed on June 20, 2001. (Docket No. 12.)

STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION - 3

28. *Jared Hodges*' employment terminated on April 20, 1999. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on August 14, 2003. (Docket No. 170.)
29. *Dale Hope*'s employment terminated on April 5, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
30. *Don Hopkins*' employment terminated on March 19, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on June 19, 2001. (Docket No. 10.)
31. *Randy P. Howell*'s employment terminated on May 31, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
32. *Timothy Kaufmann*'s employment terminated on October 9, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on July 11, 2001. (Docket No. 43.)
33. *Ryan Keen*'s employment terminated on December 14, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on June 28, 2001. (Docket No. 22.)
34. *John Paul Kurtin*'s employment terminated on May 8, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on June 21, 2001. (Docket No. 14.)
35. *Michael Larscheid*'s employment terminated on June 2, 1999. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on June 28, 2001. (Docket No. 21.)
36. *Anthony Limani*'s employment terminated on May 31, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on July 3, 2001. (Docket No. 35.)
37. *Jay S. Madison*'s employment terminated on May 31, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

38. *Carren Mattson's* employment terminated on May 31, 2001. (Jenkins Aff. ¶6; Pfisterer Aff. fn.1.) Her consent to join the lawsuit was filed on September 20, 2001.

(Docket No. 59.)

39. *Chris McCullough's* employment terminated on April 5, 2000. (Roach Ex. A.) Chris McCullough's consent to join the lawsuit was filed on July 5, 2001. (Docket No. 37.)

40. *Laurie (Paine) McGeorge's* employment terminated on May 31, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on July 6, 2001. (Docket No. 39.)

41. *Charles K. McGuire's* employment terminated on May 31, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

42. *Don McMurrian's* employment terminated on March 2, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

43. *Stephen Miller's* employment terminated on January 7, 2000. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on August 27, 2001. (Docket Nos. 54, 55.)

44. *Isaac Moffett's* employment terminated on March 21, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on July 2, 2001. (Docket No. 29.)

45. *Deborah Monahan's* employment terminated on January 17, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on July 30, 2001. (Docket No. 48.)

46. *Michael Moser's* employment terminated on May 31, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on June 28, 2001. (Docket No. 20.)

47. *Janice S. Nitz's* employment terminated on May 31, 2001. (Roach Ex. A; Pfisterer Aff. fn.1.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION - 5

48. *Chris Papero's* employment terminated on May 31, 2001. (Roach Ex. A.)
Chris Papero consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
49. *Jeffrey Parrish's* employment terminated on May 1, 2001. (Roach Ex. A.) His
consent to join the lawsuit was filed on June 15, 2001. (Docket No. 9.)
50. *Susan Pierce's* employment terminated on May 31, 2001. (Roach Ex. A.) Her
consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
51. *Patrick Revels's* employment terminated on May 31, 2001. (Roach Ex. A;
Pfisterer Aff. fn.1.) His consent to join the lawsuit was filed on January 31, 2003. (Docket
No. 162.)
52. *Colin Reynolds's* employment terminated on March 8, 2001. (Roach Ex. A.)
His consent to join the lawsuit was filed on June 28, 2001. (Docket No. 23.)
53. *April Rinehart's* employment terminated on February 7, 2001. (Roach Ex. A.)
Her consent to join the lawsuit was filed on July 2, 2001. (Docket No. 31.)
54. *Cheryl L. Sanderson's* employment terminated on January 3, 2001. (Roach
Ex. A.) Her consent to join the lawsuit was filed on June 20, 2001. (Docket No. 11.)
55. *Michael Schoonveld's* employment terminated on May 31, 2001. (Roach
Ex. A.) His consent to join the lawsuit was filed on September 4, 2001. (Docket No. 57.)
56. *Carly D. Seader's* employment terminated on May 31, 2001. (Roach Ex. A.)
Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
57. *John Seale's* employment terminated on May 31, 2001. (Roach Ex. A.) His
consent to join the lawsuit was filed on July 6, 2001. (Docket No. 40.)

58. *Kimberley Smith's* employment terminated on May 31, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on June 15, 2001. (Docket No. 8.)
59. *Cheryl (Whitenett) Stumph's* employment terminated on May 31, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on June 28, 2001. (Docket No. 24.)
60. *Kurt Swanson's* employment terminated on May 31, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on June 29, 2001. (Docket No. 25.)
61. *Rose Thies's* employment terminated on March 26, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
62. *David A. Thom's* employment terminated on May 31, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
63. *Steven W. Tom's* employment terminated on December 20, 1999. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on August 14, 2003. (Docket No. 170.)
64. *Nanci (Watterson) Uli's* employment terminated on May 31, 2001. (Jenkins Aff. ¶6; Pfisterer Aff. fn.1.) Her consent to join the lawsuit was filed on September 5, 2001. (Docket No. 58.)
65. *James Wells's* employment terminated on May 30, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on June 21, 2001. (Docket No. 16.)
66. *Tracy Scott Wells's* employment terminated on May 31, 2001. (Roach Ex. A.) Tracy Scott Wells' consent to join the lawsuit was filed on June 29, 2001. (Docket No. 26.)
67. *Nannette Westenhaver's* employment terminated on May 31, 2001. (Roach Ex. A.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

68. *Christopher Wing's* employment terminated on May 31, 2001. (Roach Ex. A.) His consent to join the lawsuit was filed on August 20, 2001. (Docket No. 51.)
69. *Camille Woodworth's* employment terminated on February 23, 1999. (Jenkins Aff. ¶ 6.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
70. *Kevin Aubert's* employment terminated on August 11, 2000. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
71. *William Todd Brinckerhoff's* employment terminated on May 31, 2001. (Roach Ex. A.) His to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
72. *Dennis Christensen's* employment terminated on November 18, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
73. *Marilyn Craig's* employment terminated on September 8, 2000. (Roach Ex. A.) Her consent to join the lawsuit was filed on September 26, 2001. (Docket No. 61.)
74. *Rickey S. Ferrara's* employment terminated on November 18, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
75. *Julie Gardner's* employment terminated on September 22, 2000. (Roach Ex. A.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
76. *Matthew L. Hagman's* employment terminated on June 23, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
77. *Michael F. Hazen's* employment terminated on December 11, 1998. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)
78. *Jacqueline Hladun's* employment terminated on August 10, 2000. (Roach Ex. A.) Her consent to join the lawsuit was filed on September 20, 2001. (Docket No. 60.)

STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION - 8

79. *David R. Kestner's* employment terminated on October 1, 1999. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

80. *Kurt Kluessendorf's* employment terminated on November 18, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

81. *Linda C. Lee's* employment terminated on September 8, 2000. (Roach Ex. A.) Her consent to join the lawsuit was filed on November 19, 2001. (Docket No. 62.)

82. *Erick Little's* employment terminated on November 18, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on January 24, 2002. (Docket No. 72.)

83. *Marvin L. Masteller's* employment terminated on February 18, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

84. *Robert McCarter's* employment terminated on September 1, 1998. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

85. *Mark R. McKenzie's* employment terminated on November 18, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

86. *Ginger North's* employment terminated on December 31, 1999. (Jenkins Aff. ¶ 6.) Her consent to join the lawsuit was filed on January 31, 2001. (Docket No. 162.)

87. *Thomas Robertson's* employment terminated on March 30, 1999. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

88. *Michelle Saari's* employment terminated on November 18, 2000. (Roach Ex. A.) Her consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

89. *Matthew Severson's* employment terminated on November 18, 2000. (Roach Ex. A.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION - 9

90. *Patrick H. Worthington's* employment terminated in December 1998. (Docket No. 162.) His consent to join the lawsuit was filed on January 31, 2003. (Docket No. 162.)

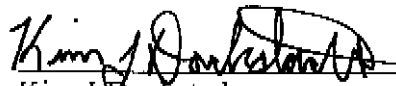
91. *Robert S. Wood's* employment terminated on January 20, 1999. (Jenkins Aff. ¶ 6.) His consent to join the lawsuit was filed on August 14, 2003. (Docket No. 170.)

92. No Plaintiff, class member, or putative class member could have worked for MEI or its sales subsidiaries after May 31, 2001, when MEI entered into a definitive agreement to sell its PC systems business to GTG PC Holdings, LLC, an affiliate of the Gores Technology Group. (Pfisterer Aff. fn.1; *see also* Second Amended Complaint ¶¶ 32-33 (Docket No. 94) (quoting sections from MEI's Form S-4 and Form 10-Q filings with the Securities and Exchange Commission.)

93. The statutes of limitations were tolled for a period of 161 days from April 3, 2002 until September 11, 2002. The first tolling period took place from April 3, 2002 to June 28, 2002. (March 12, 2002 Order on Stipulated Motion for Extension of Briefing and Discovery on Conditional Certification of FLSA Collective Action (Docket No. 90).) The second tolling period took place from June 28, 2002 to September 11, 2002. (May 28, 2002 Order Re: Stay and Scheduling (Docket No. 98).)

DATED this 17th day of June, 2004.

STOEL RIVES LLP



Kim J. Dockstader

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 2004, I caused to be served a true copy of the foregoing **STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION** by the method indicated below, addressed to the following:

William H. Thomas
Daniel E. Williams
Christopher F. Huntley
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PO Box 2188
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☐ Via U. S. Mail
☒ Via Hand-Delivery
☐ Via Overnight Delivery
☐ Via Facsimile



Kim J Dockstader